

Yanta, Judy

ATR

From: E McCann [wurgermeister@yahoo.com]
Sent: Monday, December 17, 2001 11:30 PM
To: ASKDOJ
Subject: USDOJ Comments

This is regarding the proposed "settlement" given in the Microsoft anti-trust case.

Where, in this settlement, is Microsoft being punished? Where is there actual oversight? Where are the guarantees that they won't be able to continue their practice of running roughshod over the marketplace?

It's as if GM managed to strongarm fuel stations, tire manufacturers, etc. into making their products "more compatible" with GM at the expense of Ford, Mercedes, and the like, with their only 'weak' market with real competition being in interstate semi trucks. In this hypothetical situation, they're brought to court, found guilty, and as 'punishment' not only are allowed to define what a 'vehicle' is for purposes of describing what's affected by the settlement, but also need to provide the 50 poorest trucking companies with GM trucks!

This is punishment? This rectifies the situation? This is a remedy?

What I would like to see, instead, would be:

1. Don't allow Microsoft to 'have to' spend money to supply schools with computers (which will end up being based on Microsoft software, and eventually make more money for them through their planned ".net" service and software 'subscriptions.') While attempting to help schools is admirable - it has nothing to do in this form with rectifying the situation. Why give them - not just a foothold, but a whole beachhead - in a market they do not dominate already? If they MUST spend money on schools, have them submit the sum to the court to distribute and let the schools spend them on the systems that best suit their needs - with no Microsoft involvement other than sending the money to the court.
2. Create a court-appointed body that will oversee Microsoft's coding, marketing, and business practices. Microsoft should have a *minority* presence, not 1/3 with an option to appoint another 1/3 of the committee. They would have to justify changes in standards (such as the Microsoft Word .doc format, which changes with *every* release) to this committee, who would have the power to deny the ability to make these changes.
3. Have them release the FULL source for their products. Microsoft does NOT like open source - because it removes control from them. However, it has been proven with Linux and other open source projects to be an effective way to create an efficient product, and patch problems with that product in a much more timely manner than Microsoft is now able to do. It also allows competing software manufacturers (such as WordPerfect/Corel, IBM, etc.) to be sure they are seeing the complete OS, and eliminates any suspicion of "favored" companies or Microsoft divisions having an advantage with "secret," undocumented, or "hidden" APIs and calls.
4. Have an independant body create the definitions for "operating system," and other terms, that don't have loopholes in them that Microsoft can use to get around any legal restraints.
5. Investigate Microsoft's licenses - more important now than ever, with their 'subscriptions' and forced upgrades.
6. Have an independant body oversee Microsoft's upgrades and procing.
7. Have Microsoft break Internet Explorer (and future products,) Outlook

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Express, MSN Messenger, etc. from the operating system. Not only does this restore some slight competitive nature to the market, but will have a side effect of helping MS's operating systems run better. Remove the proprietary "help" system that forces you to install Internet Explorer as well. Regular HTML works perfectly well, and is an open standard.

8. Place the W3C in charge of standards, such as HTML, Java, and the like. They do this already, but give them the ability to reject "extended" standards (and give them some teeth while they're doing it) such as Microsoft's ActiveX and other HTML "additions" (or ventures like J++, C#, etc. that work only on Windows.)

These are just some suggestions... Microsoft *has* stifled innovation, not created it. And they're still working on ways (with strategies such as .net, and software "subscriptions") to lock people and businesses into Microsoft-only or Microsoft-dependant models.

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